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Census

Statistics of divorce

Washington

1917

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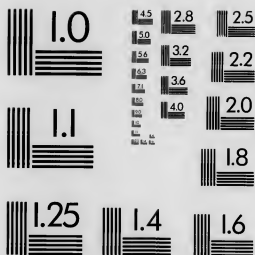
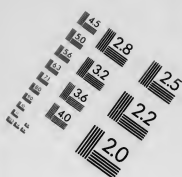
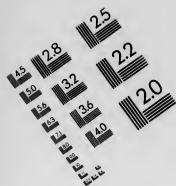
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DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS
SAM. L. ROGERS, Director
WASHINGTON

308 *Box*
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2 STATISTICS OF DIVORCE

INSTRUCTIONS



WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS
WASHINGTON

STATISTICS OF DIVORCE

INSTRUCTIONS

JUNE 1, 1917.

The following instructions for the collection of statistics relating to divorce are hereby approved, and all persons engaged in the collection of these statistics are directed to carefully observe and follow them.

SAM. L. ROGERS,
Director of the Census.



WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

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STATISTICS OF DIVORCE.

CHARACTER AND SCOPE OF INVESTIGATION.

1. The Bureau of the Census is charged by Congress with the collection of statistics relating to divorce.
2. This investigation covers the calendar year beginning January 1 and ending December 31, 1916.

SCHEDULE.

3. The information relative to divorce is to be gathered on a card schedule.

ABSENCE OF INFORMATION.

4. When no information can be obtained regarding an inquiry on the schedule, enter "X. R." (for not reported) in the space provided for the answer.

USE OF DASH PROHIBITED.

5. Do not insert a dash as an answer to any inquiry.

RETURN OF CARDS TO OFFICE.

6. When the divorce cards for any county for the year covered by this investigation are ready to be forwarded to the Bureau of the Census, wrap them securely and attach a penalty label addressed to the Director of the Census, Washington, D. C. The package is then ready for mailing.

7. All packages are to be sent by registered mail. This can be done without the payment of postage.

8. If necessary to send the cards for any county in more than one package, notify the office as to the number of packages and the date or dates when sent.

DEFINITION OF DIVORCE.

9. Divorce is the partial or complete termination of a theretofore valid marriage by judicial or legislative act.

ABSOLUTE OR LIMITED DIVORCE.

10. Divorces are of two kinds as to their character—absolute and limited. In all the States except South Carolina an absolute divorce may be granted.

11. An absolute divorce is one which puts the parties back in the position of single persons. Absolute divorce is, in nearly all the states, termed a divorce *a vinculo matrimonii*, or from the bond of marriage.

12. A limited divorce is one granted for a separation, and is known as a divorce *a mensa et thoro*, or from bed and board.

INTERLOCUTORY DECREE OR DECREE NISI.

13. When the court does not, after a hearing, immediately divorce the parties by entering a decree for absolute divorce, an interlocutory decree or decree nisi is sometimes entered; that is, a decree which is to be made absolute only if, after a certain length of time, no cause to the contrary is shown.

14. Interlocutory decrees will not be found in all States, but whenever such decrees are entered they are to be reported in accordance with instructions for Inquiry 12. (See pars. 71-73.)

DECREE OF NULLITY.

15. A decree of nullity is a decree annulling a marriage contract which has been entered into through error, fraud, or mistake, and is not a divorce in the sense of this investigation, and such a decree is not to be reported.

16. A decree of nullity differs from divorce in that it is the setting aside of a marriage on account of some imperfection or illegality which renders it void or voidable, and is retrospective in operation, while divorce is the dissolution of a hitherto valid marriage and is wholly prospective in operation.

PETITION, LIBEL, OR BILL OF COMPLAINT.

17. A divorce is sought through the petition of either the husband or the wife, which petition is called a bill of complaint, or libel.

LIBELLANT AND LIBELLEES.

18. The petitioner, or the one who seeks divorce, is called the libellant.

19. The party against whom the bill is brought is called the libellee.

CROSS-BILL.

20. Sometimes a libel may be filed by one party and met by a cross-bill filed by the other party. A report is to be made for the one for which a decree of divorce is finally granted and no reference is to be made to the other. In other words, if a petition for divorce is filed and is met by a cross-bill and the divorce is granted on the original petition, the cross-bill is to be ignored; on the other hand, if the decree is granted on the cross-bill, it is to be treated as the original petition and the first petition ignored.

CASES TO BE REPORTED.

21. The cases to be covered by this investigation are those in which decrees of divorce were granted between January 1 and December 31, 1916.

22. No attention is to be paid to cases in which the decrees were denied or to cases which were still pending on December 31, 1916.

COURTS HAVING DIVORCE JURISDICTION.

23. Divorces are usually granted by the highest court of original jurisdiction in the State, although sometimes by inferior courts, but on trials or hearings at the county seat.

24. The records of every court having divorce jurisdiction in any county must be examined.

25. In some counties it may be that there are courts having divorce jurisdiction which are located at some place other than the county seat. If such a court exists in any county, the Bureau of the Census must be notified at once as to its location, with a complete statement of the provision of law under which it is given divorce jurisdiction, and also whether it will be necessary to visit the place in which such court is located or whether the records of such court are kept in the office of the court clerk at the county seat.

RECORDS TO BE EXAMINED.

26. The records in which the required information is to be found are, first, the docket, or record of the cases heard by the court, and, second, the libel, or bill of complaint itself. It may be necessary in some instances to examine the evidence or other papers in the case in order to complete the information called for on the card.

27. The docket should show the date of application, names of the parties, and date of decree. It will probably show some of the other facts called for on the card.

CAREFUL SEARCH OF RECORDS NECESSARY.

28. If divorce cases are filed separately from other cases, it will be a comparatively simple matter to report all such cases which are on record in the county during the designated period.

29. In counties in which divorce cases are filed indiscriminately with all other cases, great care must be taken that no divorce cases are overlooked. In such counties all cases in which the parties have the same surname must be examined sufficiently to determine whether or not they are divorce cases.

PAPERS OUT OF THE OFFICE.

30. If papers necessary to be examined in any case are out of the recording office, either in the hands of attorneys or elsewhere, they must be located, and the necessary information obtained.

NAMES NOT WANTED.

31. It will be noticed that the names of the parties in divorce cases are not called for. They are not wanted and are not to be entered on the card in any case.

DOCKET NUMBER.

32. The docket number of each case reported is to be furnished as a means of identification of the case. If there is no docket number, the number of the volume and page of the record or some other means of identification is to be given.

33. If additional information or explanation in any particular case is required, this docket number or other identifying designation will be used by the Bureau of the Census to call attention to the case.

EXPLANATORY NOTES.

34. Necessary explanations to any inquiry are to be written upon the back of the card, not using the space opposite the printed numbers at the bottom of the card.

35. Whenever an explanatory note or other information is placed upon the back of a card, the word "Over" must be written on the front of the card at the bottom.

NO DIVORCES GRANTED.

36. If no divorces have been granted in any county during the calendar year beginning January 1 and ending December 31, 1916, a simple statement to that effect is all that is necessary.

INSTRUCTIONS FOR FILLING DIVORCE CARD.

PERIOD COVERED.

37. To properly complete this investigation it is necessary to have reports of all divorces granted for the calendar year beginning January 1 and ending December 31, 1916, from every court having jurisdiction in such cases throughout the United States.

38. One card is to be filled for each case in which a divorce was granted during this calendar year.

39. Answers to the several inquiries are to be made in the following manner:

STATE AND COUNTY.

40. Enter the name of the State and county in the designated places on each card.

DOCKET NUMBER.

41. Enter the docket number of the case in the space provided on the card.

42. In the absence of any docket number, enter in the same space the number of the volume and page of the record, or make such other entry as shall clearly identify the case reported on the card.

INQUIRY 1.

43. *State or country in which married.*—Enter the name of the state or territory in which the marriage took place, if it was celebrated in the United States.

44. If the marriage took place in a foreign country, enter the name of the country exactly as it appears.

45. This information will be found in the libel, or bill of complaint.

INQUIRY 2.

46. *Date of marriage.*—Enter the exact year, and, if possible, the month and day of month in which the marriage took place; as, for example, "June 12, 1907."

47. This information will be found in the libel, or bill of complaint.

INQUIRY 3.

48. *Date of separation.*—Enter the exact year, and, if possible, the month and day of month when the parties ceased living together as husband and wife. This will usually be a date prior to that of the institution of a suit for divorce.

49. This information should be found in the libel, or bill of complaint.

INQUIRY 4.

50. *Date of filing petition.*—Enter the year, month, and day of month upon which the petition or libel was filed in court upon the institution of a suit for divorce.

51. This date should be found indorsed upon the libel, or bill of complaint.

INQUIRY 5.

52. *Who was libellant?*—In answer to this inquiry indicate the person who instituted the suit for divorce by writing the word "Husband" or "Wife," as the fact shall appear.

53. This information will be found in the docket.

54. When the record specifies that the libellant is colored enter, in addition, the word "Colored."

INQUIRY 6.

55. *How was notice served?*—Answer this inquiry by writing "Personally" or "By publication," as the fact shall appear.

56. There are but two methods of serving notice of an application for divorce. One is by personal service of papers upon the libellee; the other by publication of such notice in certain newspapers for a specified period.

57. This information should be found in the docket or libel.

INQUIRY 7.

58. *Was case contested?*—Answer this inquiry by writing "Yes" or "No," as the fact shall appear.

59. If an answer to the petition or libel was filed, or if any evidence was offered in opposition to the application, the answer will be "Yes." If no answer was filed or no defense made by the libellee, the answer will be "No."

INQUIRY 8.

60. *Date of decree or judgment.*—Enter the year, month, and day of month upon which an application for absolute or limited divorce was granted.

61. Care must be exercised to obtain the exact date of the final decree in each case.

62. This information should be found in the docket.

INQUIRY 9.

63. *Number of years married.*—Do not answer this inquiry. The answer will be filled in at the Bureau of the Census.

INQUIRY 10.

64. *Cause for which divorced.*—Enter the cause in full, as "Abandonment," "Cruel and inhuman treatment," "Desertion," etc., using the exact form of words found in the docket or libel, preferably the former. Use no abbreviations.

65. It will often be found that the libel or petition for divorce will allege several causes, each or several of which may be substantiated by proof, but the answer to Inquiry 10 should be the cause for which the divorce was really granted, and there need be no reference to the others.

66. Some difficulty may be experienced in arriving at the exact cause for which a divorce has been granted. Whenever a decree states the cause precisely, no difficulty arises, but in many cases the decree is entered as "for the cause alleged." In such cases a number of different causes may have been alleged, for any one of which the State grants divorces, and not only is a careful examination of the libel necessary, but recourse must probably be had to the evidence on file to determine on what grounds the court really granted the decree.

67. It is a matter of common notoriety that divorces are granted for a comparatively mild offense when a more heinous one has been or might be proved, but the Bureau of the Census can not deal with this statistically.

INQUIRY 11.

68. *If not direct, was intemperance an indirect cause?*—Answer this inquiry by writing "Yes" or "No," as the fact shall appear.

69. If intemperance is given, in answer to Inquiry 10, as a cause for which the divorce was granted, then no answer is to be made to this inquiry.

70. If the divorce was granted for any cause other than intemperance, some examination of the papers and evidence in the case may be necessary in order to answer this inquiry.

INQUIRY 12.

71. *Kind of divorce.*—Answer this inquiry by writing "Absolute" or "Limited," as the fact shall appear.

72. If an interlocutory decree or decree nisi was granted the answer to this inquiry should be "Absolute nisi."

73. This information will be found in the docket.

INQUIRY 13.

74. *Number of children affected by decree.*—Enter, in figures, the number of children who are affected by the decree.

75. In many cases there will be no reference to children; but whenever the number of children is recited through prayer for alimony, custody of minor children, or in other ways, the number so stated is to be entered in answer to this inquiry.

76. It is safe to assume that all minor or dependent children are affected by a decree of divorce.

INQUIRY 14.

77. *Was alimony asked?*—Answer this inquiry by writing "Yes" or "No," as the fact shall appear.

78. Temporary alimony, or that which is requested as an incident of the trial, for counsel fees, costs, etc., is not to be considered in answer to this inquiry.

79. This inquiry has reference solely to the request for permanent alimony which, if granted, follows the decree.

80. This information should be found in the libel, or bill of complaint.

INQUIRY 15.

81. *Was alimony granted?*—Answer this inquiry by writing "Yes" or "No," as the fact shall appear.

82. This information will be found in the docket. If the docket contains no reference to the subject of alimony it is safe to assume that none was granted.

83. In cases in which alimony was asked the answer to this inquiry may be either "Yes" or "No." In cases in which no alimony was asked the answer to this inquiry will invariably be "No."

84. This inquiry, like Inquiry 14, has reference solely to permanent alimony.

INQUIRY 16.

85. *Residence of libellee.*—Enter the name of the State or country in which the libellee was residing at the time the suit for divorce was instituted.

86. This information is of importance as tending to indicate the validity of the decree beyond the limits of the State in which the same was granted.

87. If the actual residence of the libellee can not be ascertained, but it appears from the service of notice by publication, or in some other manner, that the libellee was not a resident of the State in which the application for divorce was made, the words "Outside the State" may be used in answer to this inquiry.



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